

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2015-KA-00948-COA

ANTHONY DAVON JEFFERSON

APPELLANT

vs.

STATE OF MISSISSIPPI

APPELLEE

RECORD EXCERPTS

Prepared by:

Derek Goff and Paul Chase Pritchard,
Law Students/Special Counsels
Criminal Appeals Clinic
The University of Mississippi School of Law
Lamar Law Center
Post Office Box 1848
University, MS 38677-1848
Telephone: 662.915.5560
Facsimile: 662.915.6933

and

Phillip W. Broadhead, Esq., MSB #4560
Criminal Appeals Clinic
The University of Mississippi School of Law
520 Lamar Law Center
Post Office Box 1848
University, MS 38677-1848
Telephone: 662.915.5560
Facsimile: 662.915.6933

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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS

CI-2012-0059-JC

ANTHONY DAVON JEFFERSON

DEFENDANT

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STATE OF MISSISSIPPI, COUNTY OF MADISON

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This the 15 day of July, 2015

Lee Westbrook, Circuit Clerk

BY Denny Blankenship c.c.

000007

F1 = Previous . . F7 = Main Menu . . Actions(T,U,M)

Name	JEFFERSON, ANTHONY DAVON	Case	20120059	B/P	0000 0000
Date	Description	Seq			Paid
12/20/2011	INDICTMENT	1	D		
12/20/2011	CAPIAS ISSUED	2	D		
2/10/2012	CAPIAS EXE/RET BY FAX	3	D		
2/16/2012	ATTORNEY'S ENTRY OF APPEARANCE	4	D		
2/16/2012	WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA	5	D		
2/16/2012	ORDER SETTING TRIAL, STATUS CONFERENCE AND PRETRI	6	O		
2/16/2012	COPY OF FILE TO ATTY/COPIES PUT IN DA'S BOX	7	D		
2/21/2012	MOTION FOR DISCOVERY, REQUEST FOR PLEA OFFER, AND	8	M		
2/28/2012	ORDER TO RELEASE DEFENDANT ON BOND	9	O		
3/01/2012	LETTER FROM DA TO ATTY RE: DISCOVERY	10	D		
3/22/2012	ORDER SETTING SETTLEMENT CONFERENCE	11	O		
3/22/2012	COPY TO ATTYS	12	D		
4/30/2012	PRE-TRIAL CONFERENCE CHECKLIST	13	O		
5/03/2012	SUBP ISS TO DA (CHANCEY BASSO)	14	D		
5/03/2012	SUBP ISS TO DA (DOMINICK RILEY)	15	D		
5/03/2012	SUBP ISS TO DA (GRADY DOWNEY)	16	D		
5/03/2012	SUBP ISS TO DA (BRIAN BLANFORD)	17	D		
5/03/2012	SUBP ISS TO DA (WESLEY LAYTON)	18	D		

More...



STATE OF MISSISSIPPI, COUNTY OF MADISON

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BY Denah B. Jenkins

000008

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Name	JEFFERSON, ANTHONY DAVON	Case	20120059	B/P	0000 0000
Date	Description	Seq	Paid		
5/03/2012	SUBP ISS TO DA (CANDICE EDWARDS)	19	D		
5/03/2012	SUBP ISS TO DA (ED STEED)	20	D		
5/03/2012	SUBP ISS TO DA (TONY MOSER)	21	D		
5/03/2012	SUBP EXE/RET FAX SVC (CHANCEY BASS)5-3-12	22	D		
5/03/2012	SUBP EXE/RET FAX SVC (GRADY DOWNEY)5-3-12	23	D		
5/03/2012	SUBP EXE/RET FAX SVC (BRIAN BLANFORD)5-3-12	24	D		
5/03/2012	SUBP EXE/RET FAX SVC (DOMINICK RILEY)5-3-12	25	D		
5/03/2012	SUBP EXE/RET FAX SVC (WESLEY LAYTON)5-3-12	26	D		
5/03/2012	SUBP EXE/RET FAX SVC (ED STEED)5-3-12	27	D		
5/03/2012	SUBP EXE/RET FAX SVC (CANDICE EDWARDS)5-3-12	28	D		
5/03/2012	SUBP EXE/RET FAX SVC (TONY MOSER)5-3-12	29	D		
5/04/2012	MOTION TO SUPPRESS EVIDENCE	30	M		
5/07/2012	MOTION TO AMEND INDICTMENT	31	M		
5/11/2012	STATES FIRST MOTION IN LIMINE	32	M		
5/11/2012	STATES SECOND MOTION IN LIMINE	33	M		
5/11/2012	STATES THIRD MOTION IN LIMINE	34	M		
5/15/2012	ORDER AMENDING INDICTMENT	35	O		
5/15/2012	COPY TO ATTYS	36	D		

More...



STATE OF MISSISSIPPI, COUNTY OF MADISON

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Dorothy Bonifant

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Name	JEFFERSON, ANTHONY DAVON	Case	20120059	B/P	0000 0000
Date	Description	Seq	Paid		
5/14/2012	BENCH WARRANT	37	0		
5/15/2012	JUDGMENT NISI AGAINST PRINCIPAL AND SURETIES	38	0		
5/15/2012	SCIRE FACIAS	39	D		
5/16/2012	JUDGMENT OF CONVICTION	40	0		
5/17/2012	COPY TO ATTYS	41	D		
7/11/2012	ORDER RESETTNG SENTENCING	42	0		
9/13/2012	ORDER RESETTNG SENTENCING	43	0		
11/01/2012	FINAL JUDGMENT	44	0		
11/07/2012	ORDER RESETTNG SENTENCING	45	0		
1/16/2013	ORDER FOR EXONERATION OF BAIL AND SETTING ASIDE	46	0		
3/12/2013	EXHIBIT ENVELOPE FROM 3/11/2013 HEARING INTO VAU	47	D		
3/15/2013	ORDER OF SENTENCE	48	0		
3/15/2013	MOTION FOR JUDGMENT JNOV OR ALTERNATIVELY NEW TR	49	M		
3/18/2013	CERT CRIMINAL DISPOSITION/PKT E-MAILED TO MDOC	50	D		
5/22/2013	MOTION TO WITHDRAW AS COUNSEL AND HAVE DEFENDANT	51	D		
2/19/2014	BENCH WARRANT EX/RTD (FAXED COPY)	52	D		
2/20/2014	BENCH WARRANT EX/RTD	53	D		
5/11/2015	TRANSPORT ORDER	54	0		

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STATE OF MISSISSIPPI, COUNTY OF MADISON

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BY Dandy Blankenship

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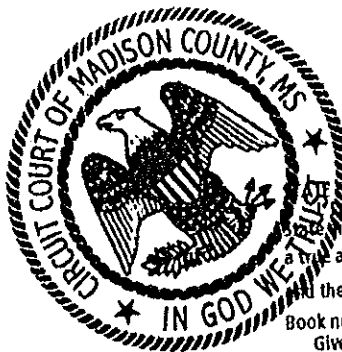
F1 = Previous . . F7 = Main Menu . . Actions(T,U,M)

Name, JEFFERSON, ANTHONY DAVON

Case, 20120059

B/P, 0000 0000

Date	Description	Seq	Paid
5/18/2015	ORDER OVERRULING MOTION FO RJUDGMENT, JNOV, OR ALT	55	0
6/03/2015	TRANSPORT ORDER	56	0
6/17/2015	ORDER OF INDIGENCY AUTHORIZING APPEAL IN FORMA P	57	0
6/17/2015	NOTICE OF APPEAL	58	D
6/17/2015	DESIGNATION OF RECORD	59	D
6/17/2015	APPELLANT RULE 11(B) CERTIFICATE OF COMPLIANCE	60	D
6/17/2015	CLERK'S LETTER W/COPY OF FILE TO OFFICE INDIGENT	61	D
7/15/2015	TRANSCRIPTS	62	D



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STATE OF MISSISSIPPI, COUNTY OF MADISON
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This the 15 day of July, 20 15
Le Westbrook, Circuit Clerk
BY Denny Blankenship

*docket entries
Canton, MS*

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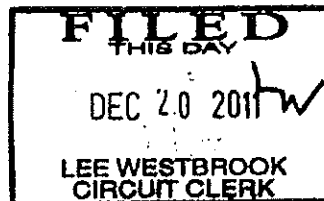
INDICTMENT

STATE OF MISSISSIPPI

VS.

CAUSE NO. 2012-0059-C

ANTHONY DAVON JEFFERSON,
a/k/a ANTHONY DEVON JEFFERSON,
a/k/a ANTHONY JEFFERSON,
a/k/a MARCUS ROSS & a/k/a WESLEY THOMPSON
and PAULETTE JEFFERSON,
a/k/a PETTAWAY STARLET,
a/k/a STARLET ALEXINES PETTEWAY,
a/k/a STARLET A. PETTEWAY,
a/k/a TINA LYNETTE JORDAN & a/k/a PAULETTE HACKETT



DEFENDANTS

Indictment for the offenses of:

**POSSESSION OF MARIJUANA WITH INTENT
A SCHEDULE I CONTROLLED SUBSTANCE
AND**

(1 COUNT/BOTH DEFENDANTS)

**CONSPIRACY TO POSSESS MARIJUANA,
A SCHEDULE I CONTROLLED SUBSTANCE
MISS. CODE ANN. §§41-29-139 & 97-1-1**

(1 COUNT/BOTH DEFENDANTS)

STATE OF MISSISSIPPI
COUNTY OF MADISON

IN THE CIRCUIT COURT OF MADISON COUNTY, JULY TERM, 2011

Recalled November 30, 2011

The Grand Jurors for the State of Mississippi, taken from the body of good and lawful citizens of Madison County, elected, summoned, impaneled, sworn and charged to inquire in and for the body of the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present that:

COUNT I

ANTHONY DAVON JEFFERSON, a/k/a ANTHONY DEVON JEFFERSON, a/k/a ANTHONY JEFFERSON, a/k/a MARCUS ROSS & a/k/a WESLEY THOMPSON and PAULETTE JEFFERSON, a/k/a PETTAWAY STARLET, a/k/a STARLET ALEXINES PETTEWAY, a/k/a STARLET A. PETTEWAY, a/k/a TINA LYNETTE JORDAN & a/k/a PAULETTE HACKETT, on or about the 18th day of August, 2011, in the county

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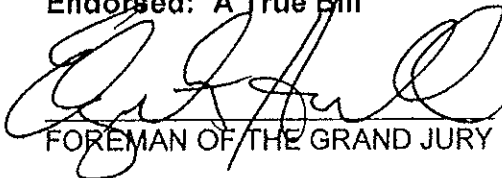
aforesaid and within the jurisdiction of this Court, did unlawfully, willfully, knowingly, feloniously and intentionally possess with intent to sell, distribute or transfer a quantity of one (1) kilo but less than five (5) kilos of Marijuana, a Schedule I controlled substance, to a person, in violation of Miss. Code Ann. §41-29-139, (1972, as amended);

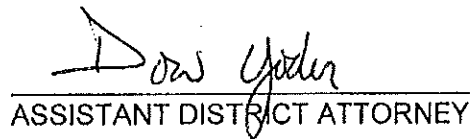
COUNT II

And, based upon a series of acts connected together and constituting parts of a common scheme and plan, **ANTHONY DAVON JEFFERSON**, a/k/a **ANTHONY DEVON JEFFERSON**, a/k/a **ANTHONY JEFFERSON**, a/k/a **MARCUS ROSS** & a/k/a **WESLEY THOMPSON** and **PAULETTE JEFFERSON**, a/k/a **PETTAWAY STARLET**, a/k/a **STARLET ALEXINES PETTEWAY**, a/k/a **STARLET A. PETTEWAY**, a/k/a **TINA LYNETTE JORDAN** & a/k/a **PAULETTE HACKETT**, on or about the 18th day of August, 2011, in the county aforesaid and within the jurisdiction of this Court, did unlawfully, willfully, feloniously and knowingly conspire with each other to possess a quantity of one (1) kilo but less than five (5) kilos of Marijuana, a Schedule I controlled substance, in violation of Miss. Code Ann. §41-29-139 and §97-1-1 (1972, as amended).

All of the above (Counts I through II) being against the peace and dignity of the State of Mississippi.

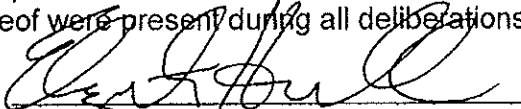
Endorsed: A True Bill


FOREMAN OF THE GRAND JURY


ASSISTANT DISTRICT ATTORNEY

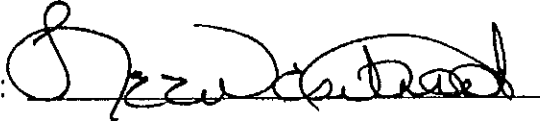
AFFIDAVIT

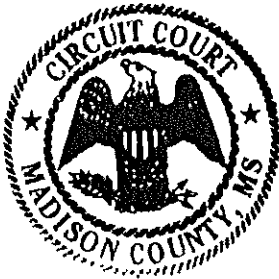
COMES NOW Elizabeth Q. Howell, Foreman of the November 30, 2011, Madison County Grand Jury, and makes oath that this Indictment presented to this Court was concurred by twelve (12) or more members of the Grand Jury, and that at least fifteen (15) members thereof were present during all deliberations.


FOREMAN OF THE GRAND JURY

SWORN TO AND SUBSCRIBED before me on this, the 20th day of Dec., 2011.

LEE WESTBROOK, CIRCUIT CLERK
OF MADISON COUNTY, MISSISSIPPI

BY: 



Count 1

We, the Jury, find the Defendant, Anthony Davon Jefferson, guilty of possession with intent to sell, distribute or transfer a quantity of one (1) kilo but less than five (5) kilos of Marijuana, a Schedule I controlled substance, as charged in Count 1 of the Indictment.

Count 2

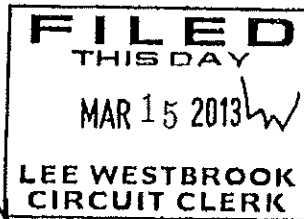
We, the jury, find the Defendant, Anthony Davon Jefferson, guilty of Conspiracy to possess a quantity of (1) one Kilo but less than (5) five Kilos of Marijuana, a Schedule I Controlled Substance, as charged in Count II of the Indictment.

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY DAVON JEFFERSON



CAUSE NO. 2012-0059 (C)

DEFENDANT

ORDER OF SENTENCE

THIS CAUSE having come on for trial on the 15th day of May, 2012, during the May Term of this Court, and the Defendant, **ANTHONY DAVON JEFFERSON**, whose date of birth is **April 09, 1981**, and whose Social Security Number is **547 71 8358**, under and pursuant to the Indictment for the crime(s) of **POSSESSION WITH INTENT TO SELL, DISTRIBUTE OR TRANSFER A QUANTITY OF ONE (1) KILO BUT LESS THAN FIVE (5) KILOS OF MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE [COUNT I]**, and **CONSPIRACY TO POSSESS A QUANTITY OF ONE (1) KILO BUT LESS THAN FIVE (5) KILOS OF MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE [Count II]**, as charged in the multi-count Indictment(s) in Cause Number(s) **2012-0059**; and pursuant to the sentencing herein, the Court finds that the Defendant, **ANTHONY DAVON JEFFERSON**, is a non-violent habitual offender, under the provisions of Miss. Code Ann. §99-19-81 (1972, as amended).

IT IS ORDERED AND ADJUDGED that the Defendant, **ANTHONY DAVON JEFFERSON**, is adjudicated guilty for the crimes of **POSSESSION WITH INTENT TO**

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SELL, DISTRIBUTE OR TRANSFER A QUANTITY OF ONE (1) KILO BUT LESS THAN FIVE (5) KILOS OF MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE [COUNT I], and CONSPIRACY TO POSSESS A QUANTITY OF ONE (1) KILO BUT LESS THAN FIVE (5) KILOS OF MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE [Count II], and that he be sentenced as follows:

1. To serve a term of SIXTY (60) year(s) in the custody of the Mississippi Department of Corrections in Cause Number(s) 2012-0059 — COUNT I, as A NON-VIOLENT HABITUAL OFFENDER, pursuant to the terms of Miss. Code Ann. §99-19-81 (1972, as amended), and as such, the said sentence shall not be reduced or suspended nor shall the Defendant be eligible for parole or probation or any other form of early release;
2. To serve a term of FORTY (40) year(s) in the custody of the Mississippi Department of Corrections in Cause Number(s) 2012-0059 — COUNT II, as A NON-VIOLENT HABITUAL OFFENDER, pursuant to the terms of Miss. Code Ann. §99-19-81 (1972, as amended), and as such, the said sentence shall not be reduced or suspended nor shall the Defendant be eligible for parole or probation or any other form of early release; and,
3. The sentence(s) imposed in Counts I and II shall run CONCURRENTLY with each other.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall pay court costs, fees and assessments in the amount of ONE THOUSAND TWO HUNDRED FIFTY

TWO and 00/100 DOLLARS (\$1,252.00), however, said court costs, fees and assessments are hereby waived by this Honorable Court.

SO ORDERED AND ADJUDGED, THIS THE 15th DAY OF MARCH, 2013.



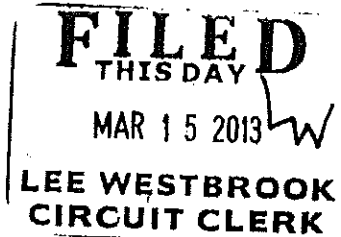
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY JEFFERSON



CAUSE NO. 2012-059

MOTION FOR JUDGMENT J.N.O.V. OR, ALTERNATIVELY, NEW TRIAL

COMES NOW, the Defendant, Anthony Jefferson (Jefferson), by and through his counsel of record and files this his Motion for Judgment J.N.O.V., or, alternatively, pursuant to Rule 10.05, Uniform Circuit and County Court Rules, for New Trial, and, with greatest respect, moves this Court as follows:

1. Jefferson again renews each and every motion previously made in the entirety of this matter which motion was previously overruled by this Court and each and every objection made at each stage of this matter which objection was previously overruled by this Court and specifically including, but not limited to, the following:

2. The verdict was against the overwhelming weight of the evidence.

3. The Court erred in trying Jefferson in *absentia*.

4. The Court erred in allowing the amendments to the indictment making Jefferson an habitual offender and a subsequent offender.

5. The Court erred in overruling the Motion to Suppress.

6. The Court erred in not granting a directed verdict.

7. The Court erred in not granting the peremptory instruction.

8. The Court erred in allowing the alleged unrecorded oral statement of Jefferson to be testified about or, in the alternative, not suppressing the alleged unrecorded oral statement of

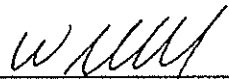
Jefferson.

9. The Court erred in allowing the testimony of Agent Wesley Layton as to any alleged statement made by Jefferson.

10. The Court erred in allowing alleged certified copies of previous convictions over objection by Jefferson that they were not properly authenticated.

Respectfully submitted,

ANTHONY JEFFERSON



WM. ANDY SUMRALL, ATTORNEY FOR
DEFENDANT

WM. ANDY SUMRALL
P.O. BOX 1068
JACKSON, MS
601-355-8775
601-355-7002

CERTIFICATE OF SERVICE

I, Wm. Andy Sumrall, attorney for the Defendant, Anthony Jefferson, do hereby certify that I have this day served a true and correct copy of the above and foregoing Motion for JNOV or Alternatively, New Trial, by mailing the same to Hon. William Chapman, Circuit Judge for Madison County, and the Hon. Dow Yoder, Assistant District Attorney for Madison County, by United States mail, postage prepaid, at their usual business address.

SO DATED on this, the 14th day of March, A.D., 2013.



WM. ANDY SUMRALL

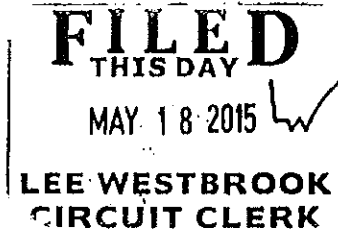
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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY JEFFERSON



NO. 2012-0059-C

DEFENDANT

**ORDER OVERRULING MOTION FOR JUDGMENT, J.N.O.V.,
OR, ALTERNATIVELY, NEW TRIAL**

THIS DAY this cause came on for hearing on the Motion for Judgment J.N.O.V. or, alternatively, New Trial, and the Court having heard and considered same and being fully advised in the premises is of the opinion that the Motion is not well taken and should be overruled.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion for Judgment, J.N.O.V., or, alternatively, New Trial filed herein by the Defendant, Anthony Jefferson, is hereby overruled.

SO ORDERED, this the 18th day of May, ^{2015.}~~2013.~~

A handwritten signature in dark ink, appearing to be "Wm. Andy Sumrall", written over a horizontal line.

CIRCUIT COURT JUDGE

WM. ANDY SUMRALL
P. O. Box 1068
Jackson, MS 39215
601-355-8775
MSB# 8077

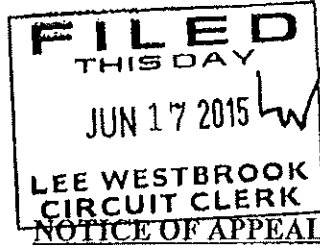
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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

V.

ANTHONY JEFFERSON




CAUSE NO. 12-059-C

By this notice the above named Defendant does appeal to the Supreme Court of Mississippi from the final judgment entered in this case on the 15th day of March, 2013, and other Orders and Judgements therein, and the denial of the Motion for a Judgment Non Obstante Veredicto or in the alternative, his Motion for a New Trial, by order entered on the 18th day of May, 2015.

Respectfully submitted,

Respectfully submitted,

ANTHONY JEFFERSON

BY: 
WM. ANDY SUMRALL, ATTORNEY FOR
APPELLANT

WM. ANDY SUMRALL
P.O. BOX 1068
JACKSON, MS 39215
601-355-8775
601-355-7002
MISSISSIPPI BAR NO: 8077

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CERTIFICATE OF SERVICE

I, Wm. Andy Sumrall, attorney for the Appellant/Defendant do hereby certify that I have this day filed the Notice of Appeal with the Clerk of this Court, and have served copies of same on the persons listed below by mailing the same to them by United States mail, postage prepaid, at their usual business address.

Honorable William Chapman
Circuit Judge
P.O. Box 1626
Canton, MS 39046

Ms. Karen Rowzee, Reporter
P.O. Box 1626
Canton, MS 39046

Michael Guest
District Attorney
P.O. Box 121
Canton, MS 39046

SO DATED on this, the ^{17th} day of ^{June}~~May~~, A.D., 2015.



WM. ANDY SUMRALL

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1 only when the State's case is based entirely on
2 circumstantial evidence.

3 MR. SUMRALL: Withdrawn.

4 MR. WELCH: And D-11 is moot.

5 THE COURT: Are y'all going to withdraw that?

6 MR. SUMRALL: Yes, sir.

7 THE COURT: All right, for the record, D-6,
8 D-7 and D-9 were refused, and they will be marked
9 court's one for identification.

10 [EXHIBIT C-1 WAS MARKED INTO EVIDENCE].

11 THE COURT: That one instruction --

12 MR. SUMRALL: -- we got one other matter,
13 your Honor.

14 THE COURT: So I'll hear your motion for
15 directed verdict.

16 MR. SUMRALL: Your Honor, comes now the
17 defendant and moves for a directed verdict on the
18 basis that the State of Mississippi has failed to
19 meet its burden of proof in proving each and every
20 element of the crime of possession of marijuana with
21 intent to distribute and the crime of conspiracy.
22 There has been no proof whatsoever that this
23 defendant ever possessed in any way, form or fashion
24 this-marijuana that was alleged to have been sent to
25 him, and there's been no proof of any conspiracy
26 whatsoever. There's been no elements of this
27 conspiracy met by the State of Mississippi.

28 And in addition, your Honor, there has been no
29 identification of the defendant by the State of

1 Mississippi. They identified a photograph, but at no
2 time did they say that that photograph was the
3 defendant. Therefore, there has been no positive
4 identification of the defendant, and we ask the court
5 to dismiss the charges against him and find for the
6 defendant.

7 THE COURT: All right, any response from the
8 State?

9 MR. YODER: Your Honor, under the standards
10 this Court is well aware of, I believe the court is
11 entitled, or supposed to view the facts presented in
12 evidence in the light most favorable to the
13 prosecution. And with regard to the possession with
14 intent of the marijuana, we've proven what the
15 substance is and how much it weighs. We have proven
16 that Paulette Jefferson signed for it and that she
17 physically possessed it. We understand that Anthony
18 Jefferson never physically possessed the marijuana,
19 your Honor, but the Court has granted an instruction
20 on constructive possession, and I believe the jury
21 can find from the evidence that the defendant
22 exercised dominion and control over the marijuana and
23 that he was aware of the presence of the narcotics
24 and the character of it, your Honor, with this
25 confession where he is saying that he is going to
26 take it, intended to take it to Yazoo City to sell.
27 And then with the conspiracy, your Honor, we believe
28 there is enough evidence for the jury to determine
29 there was a conspiracy between Paulette Jefferson and

1 the defendant, Anthony Jefferson, to possess this
2 substance.

3 THE COURT: Any rebuttal?

4 MR. SUMRALL: Yes, your Honor, that they have
5 not met the elements of possession, that they have
6 not shown in any way, form or fashion that this
7 defendant had in any way possessed it at any time,
8 either constructively or whatever. The only proof
9 they have whatsoever is that Ms. Jefferson, who did
10 possess it, made a phone call. It was not answered.
11 There's been no proof of any possession, and
12 certainly no proof of any kind of conspiracy.
13 There's been no alleged allegations that Mr.
14 Jefferson and Ms. Paulette Jefferson ever conspired
15 or did anything or even talked about anything.
16 There's been no proof of conspiracy, and we ask that
17 the charges be dismissed.

18 THE COURT: All right, under the standard I'm
19 to consider and for the reasons argued by the State,
20 the motion will be denied.

21 MR. SUMRALL: Your Honor, for the record, at
22 the defense's case, we renew our motion.

23 THE COURT: I think you have done that in D,
24 whatever I refused in peremptory.

25 MR. SUMRALL: I want to make sure the record
26 is complete.

27 THE COURT: Okay, well, we're just waiting
28 for S whatever. How much time do y'all want to
29 argue?

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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY JEFFERSON

FILED
THIS DAY

MAY 14 2012

NO. 2012-0059

LEE WESTBROOK
CIRCUIT CLERK

JURY INSTRUCTION _____

The Court instructs the jury that you must find the defendant "not guilty" as to the charge of Possession of Marijuana with Intent and Conspiracy to Possess Marijuana.

D-9

Refused

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STATEMENT OF FACTS

The following statement was made by ANTHONY JEFFERSON on 8.11/11
while located at Wichita City Detention Center Case # B13-246-2-2011

A boy came to my family house
and I didn't know what was in the
box. I didn't see it and I
wasn't sure what was in the box
but I knew a box was coming.

Anthony Jefferson

The above statement which consists of 1 page(s) was made by me voluntarily and it is true and correct to
the best of my knowledge.

Witness [Signature]

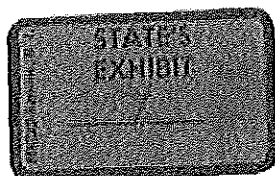
Witness Anthony Man

#

Signed Anthony Jefferson

Date 8-19-11

Time 5:17



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1 going on, who they were, what they were doing there.
2 He admitted that --

3 MR. SUMRALL: -- objection, your Honor, to
4 anything that was said unless he can prove he was
5 Mirandized --

6 THE COURT: -- let me see counsel up here.
7 [BENCH CONFERENCE AS FOLLOWS].

8 MR. MAYFIELD: He doesn't have to be
9 Mirandized.

10 MR. SUMRALL: Your Honor, he was under arrest
11 and was in handcuffs.

12 MR. MAYFIELD: Doesn't matter.

13 THE COURT: I think Tommy's argument is that
14 while he was in custody, he was not being
15 interrogated.

16 MR. MAYFIELD: And it was on the scene
17 questioning to resolve an ambiguous situation.

18 THE COURT: Overruled.

19 MR. SUMRALL: How can it be to resolve an
20 ambiguous situation? They had to deliver it to us a
21 person specific, and he was caught allegedly --

22 THE COURT: -- find out who was who.

23 MR. MAYFIELD: He was trying to find out who
24 these two people were.

25 MR. SUMRALL: Well, that's an interrogation,
26 your Honor.

27 MR. MAYFIELD: That's not interrogation.

28 MR. SUMRALL: Well, what else is it? What is
29 interrogation other than asking questions?

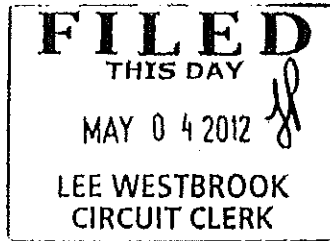
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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY JEFFERSON



CAUSE NO: 2012-0059

MOTION TO SUPPRESS EVIDENCE

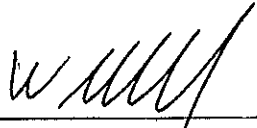
COMES NOW, Anthony Jefferson, as Defendant, by and through undersigned counsel, and respectfully moves this Court to suppress the evidence in this case as well as the alleged confession, and for cause of action, would show the Court the following, to-wit:

1. The Defendant is charged with Possession with Intent of more than One (1) Kilogram but less than Five Kilograms of Marijuana and Conspiracy to of more than One (1) Kilogram but less than Five Kilograms of Marijuana
2. The search warrant executed in this case was an "Anticipatory No Knock Search Warrant." The search warrant, on its face, is defective. Law enforcement can not anticipate obtaining probable cause. There either is probable cause, or there isn't. When the Agent obtained the search warrant she did not have probable cause, thus the necessity of the word "Anticipatory". The lack of probable cause is further proven by the "occupied and controlled by" portion of the warrant. The agent was unaware of who, if anyone, occupied the premises the agent requested to be searched. It is also undisputed that the probable cause the agent allegedly did have, the package containing alleged marijuana, never entered the premises
3. After a review of the file, the agent claims the Defendant gave a long "confession" to the alleged crime. However, the file contains the written statement of the defendant where he denies all knowledge of any crime. With no recordation of any other statement by the Defendant, any testimony by the State of any other "spontaneous" utterances, or confessions should be

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suppressed.

WHEREFORE PREMISES CONSIDERED, the Defendant moves this Court to Suppress the evidence and any "confession" obtained in this cause.



WM. ANDY SUMRALL, ATTORNEY FOR
ANTHONY JEFFERSON

WM. ANDY SUMRALL
P. O. BOX 1068
JACKSON, MS 39215
601-355-8775

NOTICE OF HEARING

This Motion shall come on for hearing on a date and time agreeable for all parties.

CERTIFICATE OF SERVICE

I, Wm. Andy Sumrall, do hereby certify that I have this day served a true and correct copy of the above and foregoing to the Honorable William Chapman, Circuit Judge of Madison County and the Hon. Dow Yoder, Assistant District Attorney for Madison County, by mailing the same to them at their usual business address.

SO DATED on this, the 2nd day of May, A.D., 2012.



WM. ANDY SUMRALL

1 indicted, your Honor, and there is absolutely nothing
2 in the record, there is nothing that anybody can put
3 before your Honor that would suggest that the
4 defendant was intimidated, coerced, threatened,
5 promised anything in exchange for his verbal
6 confession, your Honor. And there's nothing to
7 suggest that the verbal confession was anything but a
8 voluntary confession. So your Honor, for those
9 reasons, we believe the motion should be denied.

10 THE COURT: Mr. Sumrall?

11 MR. SUMRALL: Your Honor, I believe the
12 evidence speaks for itself. The reason he made these
13 statements, which he says he made no statements, so
14 anything he did say was because they told him he was
15 looking at sixty years, and they asked him a bunch of
16 questions. But evidently, they knew more about this
17 than he did, and they assumed that he knew about it.
18 I don't believe that this oral confession should be
19 admitted, and we ask the Court to strike it.

20 THE COURT: Any argument from either side?

21 MR. YODER: No, your Honor.

22 THE COURT: All right, having considered the
23 testimony of the two officers and the defendant, the
24 Court does not believe that the statements given by
25 the defendant, both the written and the oral
26 statements, were coerced in any manner. The court
27 finds that those statements were voluntary.
28 Therefore they'll be allowed to be questioned about
29 it. Okay, it's 12:30. Let's try to get these other

1 A. Yes, sir.

2 Q. Okay, but those were misdemeanor arrests?

3 A. Yes, sir.

4 Q. Okay. Do you recall when, if at all, Anthony
5 Jefferson arrived at the scene?

6 A. Yes.

7 Q. Okay, explain to the jury how it came that
8 Anthony Jefferson arrived to the scene and what
9 happened after he arrived?

10 A. Okay, the lady who signed for the box stated
11 that --

12 MR. SUMRALL: -- objection to what she
13 stated, your Honor, hearsay.

14 THE COURT: Sustained.

15 MR. YODER: Your Honor, actually, it's a
16 statement of a co-conspirator.

17 THE COURT: Let me see counsel up here.

18 [BENCH CONFERENCE AS FOLLOWS].

19 MR. YODER: It's 801(d)(2)(e). I got a
20 Supreme Court case. It says, "Statements of
21 co-conspirators are admissible against other
22 co-conspirators." I can get the case.

23 MR. SUMRALL: Your Honor, this is rank
24 hearsay. There's absolutely no way we can cross
25 examine a statement of a co-conspirator unless she is
26 here, and she is not here. Therefore, they cannot
27 make any statements whatsoever. If she was here at
28 trial--

29 THE COURT: Why don't I send the jury out.

1 it says, "The Supreme Court reiterated that an
2 accused's right to be present with respect to his
3 trial is guaranteed by the sixth amendment to the
4 United States Constitution, and Article Three,
5 Section 26 of the Mississippi Constitution. The
6 Court stated, however, that this right would be
7 waived based on the defendant's willful, voluntary
8 and deliberate absence at the trial."

9 THE COURT: Yeah, well, the right to be
10 present is different than what the headnote says, in
11 my opinion, which says, "Waived his constitutional
12 right to confront his accusers." Here's what I think
13 we're going to do, and I'm not sure where you were
14 headed to, but I think the officer can testify about
15 what she learned in her investigation that, I think
16 she can testify what she learned during the course of
17 her investigation and how she ultimately got to the
18 defendant. That's a different issue than, and maybe
19 I've short circuited this whole thing, I was thinking
20 you were headed to wanting to put that co-defendant's
21 statement into evidence.

22 MR. YODER: No, your Honor.

23 MR. SUMRALL: He was attempting to ask her
24 what the co-defendant stated, your Honor, which is
25 the same thing.

26 THE COURT: Yeah, and I think you can phrase
27 that in a way that she can testify about what she
28 learned. So I'm ruling that if you want to put the
29 co-defendant's statement into evidence, you can't do

1 that under the authorities that I've cited, but you
2 can question this officer about the course of her
3 investigation and what she learned and why she
4 proceeded to move forward with the investigation the
5 way she did. All right, y'all ready to get her back
6 in here and get going?

7 MR. SUMRALL: Your Honor, can we have the
8 witness instructed that she cannot make any
9 statements or any references to what Paulette
10 Jefferson stated? Because if she does that, it's
11 getting the same thing in. She can talk about what
12 she learned, but she can't tell about the source of
13 it.

14 MR. YODER: Your Honor, can't I ask her
15 whether or not Paulette Jefferson admitted to signing
16 a false name? I mean Dominick Riley has already
17 testified that she did that. The jury has already
18 heard that, and he didn't object back then.

19 THE COURT: Then you've already gotten it in.
20 Do y'all want to counsel with your witness to talk to
21 her about what she can testify to and what she can't?

22 MR. SUMRALL: Yes, sir. May I step out just
23 a minute, your Honor?

24 THE COURT: Sure.

25 [RECESS].

26 THE COURT: Anything else we need to deal
27 with?

28 MR. YODER: I don't think so, your Honor.

29 THE COURT: Let's bring them in.

1 [JURY IN].

2 THE COURT: You may continue, Mr. Yoder.

3 Q. [Mr. Yoder, Continuing] Agent Edwards, what
4 if anything were you able to determine in the course of
5 your investigation relating to how that box and the
6 marijuana that was in that box got, came to be
7 delivered to this address on Dobson Avenue in Canton?

8 A. We learned in the investigation that there
9 were people or a person who, at that residence, who had
10 contacted Mr. Jefferson to advise him that a box was
11 there, or who were instructed to do so and attempted to
12 do that. And then when they --

13 MR. SUMRALL: -- may we have a side bar,
14 please.

15 THE COURT: All right.

16 [BENCH CONFERENCE AS FOLLOWS].

17 MR. SUMRALL: She didn't use a name, Paulette
18 Jefferson, but basically when she's saying people at
19 the residence, and that's the only person that's been
20 identified at the residence.

21 MR. YODER: You can argue all that.

22 THE COURT: Yeah, overruled.

23 [END OF BENCH CONFERENCE].

24 Q. [Mr. Yoder, Continuing] Okay, now, during
25 the course of your investigation, were you able to
26 determine who accepted the box that had the marijuana
27 in it?

28 A. Yes. A female who wrote her name -- when
29 Inspector Riley presented her with a delivery slip, the

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

ANTHONY DAVON JEFFERSON

FILED
THIS DAY

MAY 15 2012

LEE WESTBROOK
CIRCUIT CLERK

CAUSE NO. 2012-0059

DEFENDANT

JURY INSTRUCTION NO. 5

The Court instructs the jury that ANTHONY DAVON JEFFERSON has been charged in Count II of the Indictment with the crime of *Conspiracy to Possess Marijuana, a Schedule I Controlled Substance*. If you find from the evidence in this case beyond a reasonable doubt that:

1. On or about August 18, 2011, in Madison County, Mississippi;
2. The Defendant, ANTHONY DAVON JEFFERSON, did unlawfully, willfully, feloniously and knowingly conspire with *Paulette Jefferson* to possess a quantity of one (1) kilo but less than five (5) kilos of Marijuana, a Schedule I controlled substance;

then you shall find the Defendant, ANTHONY DAVON JEFFERSON, guilty of *Conspiracy to Possess Marijuana, a Schedule I Controlled Substance*, as charged in Count II of the Indictment.

If the State has failed to prove any one or more of the above-listed elements beyond a reasonable doubt, then you shall find the Defendant, ANTHONY DAVON JEFFERSON, not guilty of *Conspiracy to Possess Marijuana, a Schedule I Controlled Substance*, as charged in Count II of the Indictment.

S- 2

Claw

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CERTIFICATE OF SERVICE

I, Phillip W. Broadhead, Criminal Appeals Clinic Professor and attorney for the Appellant herein, do hereby certify that I have this day mailed postage fully pre-paid/hand delivered/faxed, a true and correct copy of the foregoing Brief of Appellant to the following interested persons:

Honorable WILLIAM E. CHAPMAN, Circuit Court Judge
20th JUDICIAL DISTRICT
Post Office Box 1626
Canton, Mississippi 39046;

Michael Guest, Esq., District Attorney
Post Office Box 121
Canton, Mississippi 39046; and

Mr. Anthony Davon Jefferson, MDOC #182303, Appellant
Marshall County Correctional Facility
Holly Springs, Mississippi 38634.

I, Phillip W. Broadhead, attorney for the Appellant herein, hereby certify that on this day, I electronically filed the foregoing Record Excerpts with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

Jim Hood, Esq.
ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI
Post Office Box 220
Jackson, Mississippi 39205;

This the 4th day of November, 2015.

____/s/ *Phillip W. Broadhead*_____
Phillip W. Broadhead, MSB #4560
Certifying Attorney